



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

147 518

REPLY TO THE ATTENTION OF:

May 1, 1996

Philip M. Moilanen
Bullen, Moilanen, Klaasen & Swan
402 South Brown Street
Jackson, Michigan 49203

RE: Albion-Sheridan Township Landfill Site
Albion, Michigan

Dear Mr. Moilanen:

As I indicated during our telephone conversation on May 1, 1996, U.S. EPA is currently not interested in a "cash-out" settlement with Decker Manufacturing ("Decker") regarding the above referenced Site.

As you know, three respondents to the Unilateral Administrative Order for Remedial Design/Remedial Action ("UAO"), including Decker, have indicated an intent to comply therewith. The extent to which those parties allocate or apportion the work required by the UAO is solely at the discretion of the complying respondents. Since, under CERCLA, each respondent is jointly and severally liable for all the work required by the UAO, as well as for U.S. EPA's past and future costs, any allocation by U.S. EPA through a "cash-out" settlement with Decker at this time would be inconsistent with the liability scheme under CERCLA. See U.S. v. R.W. Meyer, Inc., 889 F.2d 1497, 1507 (6th Cir. 1989) (quoting U.S. v. Chem-Dyne Corp., 572 F. Supp. 802, 808 (S.D. Ohio 1983); see also Kelly v. Thomas Solvent, 714 F. Supp. 1439, 1448 (W.D. Mich. 1989).

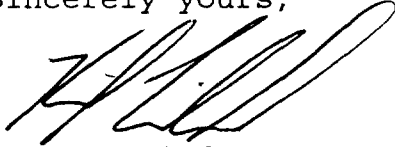
On a separate but related matter, enclosed with this letter is a copy of the City of Albion's most recent response to U.S. EPA's request for information under Section 104(e) of CERCLA. Also, the next monthly progress report will be available the last week in May 1996.



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If you have any questions regarding this matter, please do not hesitate to call me at (312) 886-6831.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'K. Lindland', with a large, sweeping flourish at the end.

Kurt N. Lindland
Assistant Regional Counsel

Enclosure

cc: Leah Evison/EPA/SR-6J